

STATEMENT OF SCOPE

CHIROPRACTIC EXAMINING BOARD

Rule No.: 165-CHI 2, 3

Relating to: Practical exam for Chiropractors

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The purpose of this proposed rule is to align current administrative code regulating chiropractors with recent legislation, namely, 2013 Wisconsin Act 20.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

2013 Wisconsin Act 20 repealed s. 446.02 (3) (a), Stats., which required applicants for chiropractic credentials to take a practical exam. After removing this requirement, the Legislature replaced the practical exam with a requirement to successfully complete Parts I, II, III and IV of the National Board of Chiropractic Examiners Exam (NBCE Exam). The Legislature set the successful completion score of 438 for Part III and a successful completion score of at least 475 on Part IV. The new statutory provisions also included a grandfathering clause for applicants who had applied on or after January 1, 2012 and the effective date of 2013 Wisconsin Act 20, June 30, 2013. This class of applicants had to have taken the practical exam and had to have achieved a score of 375 or higher on Part III, and Part IV of the NBCE Exam and successfully completed the exam that tests the applicant's knowledge of the laws of this state relating to the practice of chiropractic. Consequently, this proposed rule will revise the pertinent chiropractic rules in Wis. Admin Code as necessary to make them consistent with 2013 Wisconsin Act 20.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01(1), Stats., defines agency as a board. The Chiropractic Examining Board falls within this definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

s. 446.02 (2) (b), Stats., states that the, "examining board shall promulgate rules establishing educational requirements for obtaining a license . . .". One of the requirements for obtaining a license is the successful completion of the NBCE examination. New legislation has prompted a change in the successful score on the NBCE Exam and the corresponding rule should be amended to reflect that change. Therefore the Board is authorized both generally and specifically to promulgate the proposed rule.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours.

6. List with description of all entities that may be affected by the proposed rule:

Persons who are applying for chiropractic credentials.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no existing or proposed federal regulations intended to address the activities to be regulated by this rule.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The Board anticipates that the implementation of this rule will not result in any economic impact on small businesses.

Contact Person: Shawn Leatherwood 261-4438.

Department Head or Authorized Signature

Date Submitted